

REMARKS

Claims 1-20 are pending in the application. Claims 1, 4, 11, 15, 18 have been amended. Claims 3, 5, 14, 16, 17 and 20 have been canceled without prejudice or disclaimer. Claims 1, 11, and 18 are independent claims.

Entry of this amendment, and reconsideration and withdrawal of all objection and rejection in the Office Action are respectfully requested in light of the above amendments and the following remarks.

Claims 3, 14, and 20 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly being non-enabling. Claims 3, 14, and 20 have been cancelled. Accordingly, the rejection under 35 U.S.C. §112 has been overcome, and applicant requests withdrawal of the rejection.

Claims 1 and 18 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ferer (U.S. 4,317,000). Applicant respectfully requests a reconsideration and withdrawal of the rejection.

Amended claim 1 now recites, *inter alia*, “a tube with radially outer surface binding the bundle of optical fibers;... a plurality of tensile members positioned between the string fillers to surround the outer periphery of the tube..., wherein the string fillers and tensile members [are]... being stranded in an S-Z form along the tube outer surface.” Amended claim 18 recites a similar feature.

Support for the amendment related to the tube having a radially outer surface can be found in Figure 3, and the amendment related to the string fillers and tensile members being stranded along the tube in a helical or S-Z fashion can be found at page 6, line 22 – page 7, line 1.

The present invention discloses that the its string fillers and tensile members are placed along the periphery of the tube stranded in S-Z form.

In contrast, Ferer teaches that its composite strands and nylons strands, strands which the Office Action indicates to be synonymous the string fillers and tensile members, are stranded in a helical form (Abstract; see also figure 1). Moreover, Ferer teaches that its strands are stranded along the periphery of a thin plastic layer, a layer that does not bind the optical fibers (See Figure 1; column 3, line 1-12).

Accordingly, Ferer fails to show or teach “a plurality of tensile members positioned between the string fillers to surround the outer periphery of the tube..., wherein the string fillers and tensile members...being stranded in an S-Z form along the tube outer surface”, as recited in base claims.

Accordingly, the applicant submits that Ferer does not anticipate claim 1 and 18, as amended, and applicant requests reconsideration and withdrawal of the rejection.

Claim 11 stand rejected under 35 U.S.C. §103(a), as allegedly being obvious over Ferer in view of Rahman (U.S. 5,229,851). Applicant respectfully traverses the rejection and respectfully requests reconsideration and withdrawal of the rejection.

Claim 11, as amended, recites, *inter alia*, “a tube with radially outer surface binding the bundle of optical fibers; ...a plurality of tensile members positioned between the string fillers to surround the outer periphery of the tube...; and the string fillers and tensile members [are]... being stranded in a form along the tube outer surface, wherein the form is a helical form or S-Z form.”

Support for the amendment related to the tube having a radially outer surface can be found in Figure 4, and the amendment related to the string fillers and tensile members being stranded along the tube in a helical or S-Z fashion can be found at page 8, line 19-20.

Applicant submits that neither Ferer nor Rahman, alone or in combination, fails to teach two types of strands stranded in helical or S-Z form along the periphery of the tube that bind the optical fibers. Ferer discloses only one type of strands, load bearing strands, stranded in helical form along the periphery of tube. Meanwhile, Rahman does not show any strands placed along the periphery of each tubes.

Accordingly, combination of Ferer and Rahman fails to teach string fillers and tensile members stranded in S-Z or helical form along the periphery of the tube that binds optical fiber, as recited in claim 11. Accordingly, the applicant respectfully request reconsideration and withdrawal of the rejection.

The other claims in this application are each dependent on the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

The applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 112, 102 and 103. In view of the foregoing amendments and remarks, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

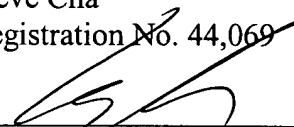
Amendment
Serial No. 10/764,115

For all of the foregoing reasons, it is respectfully submitted that the present Application is in condition for allowance, and a notice to that effect is respectfully solicited. If any issues remain which may be best resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned telephone number listed below.

Respectfully submitted,

Steve Cha
Registration No. 44,069

Date: May 19, 2005

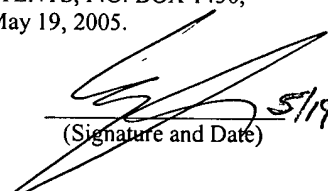

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